

Appl. No. 10/608,357
Amdt. C dated Nov. 23, 2007
Reply to O.A. of August 22, 2007

PATENT
Docket No. J-3866

REMARKS/ARGUMENTS

I. Status and Introductory Remarks

Claims 1-38 and 40-48 are pending and at issue in the present application.

Claims 37, 38, and 44-47 stand rejected as anticipated under 35 U.S.C. § 102(e) over Schramm et al. U.S. Patent No. 6,793,149 (hereinafter "Schramm"). The remaining claims at issue stand rejected as obvious under 35 U.S.C. § 103(a) over Schramm in view of various combinations of Bretschneider et al. U.S. Patent No. 6,071,937, Schiavo et al. U.S. Patent Application Publication No. 2002/0192255, Ito et al. U.S. Patent No. 6,391,329, He et al. U.S. Patent Publication No. 2002/0136886, and Pedrotti et al. U.S. Patent No. 6,931,202 (hereinafter "Pedrotti et al.").

For the reasons detailed herein below, applicants traverse each of the pending rejections.

II. Specific Reasons for Traversal

The subject matter of Schramm and the subject matter of the claims at issue were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same entity. Further, Schramm could only qualify as prior art under § 102(e), if at all. Therefore, under § 103(c) Schramm may not be used to preclude patentability under § 103(a), and all of the pending obviousness rejections under 103(a) of claims 1-36, 39-43 and 48 based on combinations including Schramm should be withdrawn, notice of which is respectfully requested.

Claim 37 has been amended to include the substance of claim 39, which would be allowable for the reasons presented immediately above. Therefore, the rejections of claim 37 and claims 38 and 44-47 dependent thereon should be withdrawn, notice of which is respectfully requested.

III. Conclusion

All of the pending rejections having been fully responded to and rebutted herein, reconsideration and withdrawal of the pending rejections and issuance of a notice of allowance are respectfully requested.

The examiner is invited to telephone the undersigned at the number indicated below to discuss any minor matters that may remain in an attempt to speed the application to issuance.

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Deposit Account Authorization

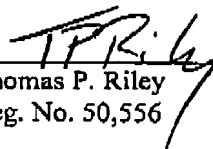
The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

McCracken & Frank LLP

November 23, 2007

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